

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re

CHRISTOPHER and ANGELA HEILMANN,
Debtor(s).

No. 09-13238

Memorandum on Motion to Avoid Lien

After review of the appraisal testimony, the court finds that the value of the subject property at 7782 Foppiano Way, Windsor, California, is approximately \$400,000.00 in its current condition. This is far below the amount owing on the senior lien on the property. There is therefore no value in the property to secure the second deed of trust held by creditor Michael Hoesly, and his lien is accordingly avoidable in Chapter 13 proceedings pursuant to *In re Zimmer*, 313 F.3d 1220 (9th Cir. 2002).

For the foregoing reasons, the motion of the debtors to value the Hoesly lien at zero will be granted and they shall have relief as prayed. Counsel for the debtors shall submit an appropriate form of order.

Dated: May 17, 2010


Alan Jaroslovsky
U.S. Bankruptcy Judge